

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

v.

MARK SELING, et al.,

Defendants.

Case No. C04-5147RJB

ORDER

This matter comes before the Court on plaintiff's "Emergency Motion for Appt Attorney." Dkt. 183. The Court has considered the pleadings filed in support of the motion, and the remainder of the file herein.

On January 7, 2005, plaintiff filed a notice of appeal regarding this Court's Order Adopting Report and Recommendation and Dismissing Case. Dkt. 161. On April 27, 2005, plaintiff filed a notice of appeal regarding this Court's Order Adopting Report and Recommendation dealing with case management. Dkt. 175. Plaintiff files the present motion for appointment of an attorney on "this remand case." Dkt. 183. Plaintiff has at least one other case against Mark Seling, cause number C03-5398RBL. Plaintiff acknowledges he does not know the cause number of the case against Mark Seling in which he seeks appointment of counsel. *Id.* This case has not been remanded, and is on appeal. Pursuant to *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 58, 59 (1982), this Court is divested of jurisdiction.

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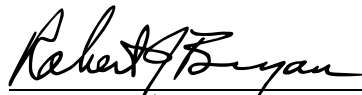
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1 Therefore, it is hereby

2 **ORDERED** that plaintiff's "Emergency Motion for Appt of Attorney" (Dkt. 183) is **STRICKEN**.

3 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
4 party appearing *pro se* at said party's last known address.

5 DATED this 20th day of June, 2005.

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8 Robert J. Bryan
9 U.S. District Judge
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